REMARKS

Claims 155-182 are in the application.

Claims 155, 156, 160, 162, and 163-173 are amended.

Claims 174-182 are new.

INTERVIEW SUMMARY

Applicant gratefully acknowledges the courtesy extended by Examiner Ma and SPE Vivek Srivastava in conducting a telephonic interview on August 4, 2005. During the interview, the changes to claim 155, as well as corresponding changes to claims 156-173 were discussed.

It was agreed that the proposed amendments to claim 155 would overcome the 35 U.S.C. § 112 issue(s), and that addition of the phrase "wherein said data representing characteristics are not generated by the user" would overcome the Hey reference.

Examiner Ma and Srivastava noted that a followup search would be required, and that the proposed amendments would raise new issues.

Applicant therefore proposed the filing of an RCE to reopen prosecution.

FORMAL REJECTIONS

Claim 155 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 155 has been amended, without prejudice or disclaimer, to cancel the language "in a memory", the objected-to phrase.

Claims 162 and 168 are also amended to broaden their scope to eliminate the memory or its counterpart as an essential element of the claims.

The Examiner noted that certain claims also did not apparently gain benefit of the earliest claimed priority date. Applicants have amended claims 156, 160 and 167, without prejudice or disclaimer, to remove the noted issues.

Without limiting the scope of the invention or claims, and as exemplary and not intended to represent the sole support for or an interpretation of, the claim language, applicants note that Claims 167-173 are supported at least by the following text contained in 07/812,805:

The present invention also allows encryption and decryption of material, much as the Videocipher series systems from General Instruments, and the fractal enciphering methods of EMC^2 and Iterated Systems, Inc. The present invention, however, is not limited to broadcasts, and instead could implement a system for both broadcasts and prerecorded materials. In the case of copying from one tape to another, such a system could not only provide the herein mentioned library functions of the present invention, it could also be used to aid in copy protection, serial copy management, and **a pay-per-view royalty collection system. Such a system could be implemented by way of a telecommunication function incorporated in the device, shown as block 1808 of FIG. 18, or an electronic tag which records user activity relating to a tape or the like. A royalty fee, etc., could automatically be registered to the machine either by telecommunication or registry with the electronic tag, allowing new viewer options to be provided as compared with present VCR's. For example, an encrypted tape or other source material (so that special playback equipment need be used, and a usage registered), used with this device, could be decrypted by a decryption key available by telecommunication with a communication center, remote from the user, in a decryption unit, shown schematically as the decrypt unit 1806a of FIG. 18. During acquisition of the electronic key, a VCR device of an embodiment of the present invention would indicate its identity, and an account is charged a fee for such use. Such a system could also be used for controlled access software, for example for a computer, wherein a remote account is charged for use of the software. Such a** system differs from the normal "key" or "dongle" because it requires on-line access for an encryption key, which may offer different levels of use. It also differs from a call-in registration, because of the automatic nature of the telecommunication. This presently described system differs from normal pay-per-view techniques because it allows, in certain instances, the user to schedule the viewing. Finally, with an encryption function implemented in the VCR, the device allows a user to create and distribute custom "software" or program material. In addition, the present controller could then act as the "telecommunication center" and authorize decryption of the material. The present invention is advantageous in this application because it provides an advanced user interface for creating a program (i.e. a sequence of instructions), and it assists the user in selecting from the available programs, without having presented the user with a detailed description of the programs, i.e., the user may select the choice based on characteristics rather than literal description. In the case of encrypted program source material, it is particularly advantageous if the characterization of the program occurs without charging the account of the user for such characterization, and only charging the account if the program is viewed by the user. The user may make a viewing decision based on the recommendation of the interface system, or may review the decision based on the title or description of the program.

ART REJECTIONS

Claims 155 and 157-158 are rejected under 35 U.S.C. 102(e) in view of Hey. Hey relates to a collaborative filter (social filter) system in which user preference correlations are drawn agnostic to the content or objective characteristics of the media. That is, a user inputs a feedback scalar representing a degree of like of previously consumed media. Based on a set of scores, the user is grouped with other users with similar scalars for the same consumed media. Once grouped with those of presumably similar likes, the user may then be presented with new media for which other members of the group display high scalar ratings.

Therefore, according to Hey, the "data representing characteristics of media selected by the user" is generated, at least in part, by the user. This is excluded by the present claim language which states "wherein said data representing characteristics are not generated by the user." Thus, claims 155, 162, 168 ("characteristics of available media items generated independently of the user"), 177 ("wherein the data representing characteristics of media previously selected by the respective user are not generated by that user"), and 179 ("the at least one parameter not being generated by that respective user") are clearly distinguished from Hey.

Claim 182 is distinguished from Hey by the limitation that the characteristics are "content related". Hey does not characterize content at all.

Claims 156 and 160 are rejected under 35 U.S.C. § 102(b) as being anticipated by Strubbe. Strubbe is antedated by the earliest priority claim. Note that claims 156 and 160 are amended to address the Examiner's concerns regarding entitlement to priority.
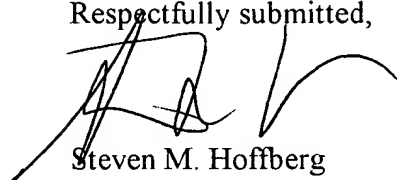
Claims 159 and 161-166 are rejected under 35 U.S.C. § 103(a) as being rendered obvious over Hey in view of Hallenbeck. Hey, the primary reference, is distinguished as above.

Claims 167-173 are rejected under 35 U.S.C. § 103(a) as being rendered obvious over Strubbe in view of Lett et al. Strubbe and Lett et al. are each antedated by the earliest priority claim.

CONCLUSION

It is respectfully submitted that the application is in form for allowance.

Respectfully submitted,

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